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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,633	06/07/2000	Tue Nguyen	SIM014	8592
7590	03/10/2004			
Tue Nguyen 496 Olive Ave Fremont, CA 94539			EXAMINER STONER, KILEY SHAWN	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/589,633	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> Kiley Stoner	<b>Art Unit</b> 1725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-7-00</u> . | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 16- 20 the applicant is referring to a low pressure trapping system as in claim 11, however, there is only a high pressure trapping system in claim 11. There is insufficient antecedent basis for a low pressure trapping system limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varrin, Jr. et al. (5,015,503) in view of Waller et al. (4,973,002). The intended use of the instantly claimed apparatus is noted, however, the intended use does not patentably distinguish said claimed apparatus over the prior art. The system claims 11-20 have been treated as an apparatus.

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Varrin, Jr. et al. teaches a cold processing chamber comprising an input port, an output port, and a waste collection surface (Figures); a cooler means to cool the processing chamber to a trapping temperature (Figures and columns 3-7); and a plurality of hollow connectors operatively connected to the ports of the cold processing chamber (Figures and columns 3-7); heater means for heating the input section of hollow connectors (column 2, lines 34-39 and column 3, lines 30-35); the trapping temperature is from 25-200C (column 4, line 12); a hollow transparent connector is operatively connected to the input/output port of the cold processing chamber (Figures); a first processing chamber having a first chamber input port, a first chamber output port, a first chamber waste collection surface, and a chamber heater to heat the first processing chamber (column 2, lines 34-39 and column 3, lines 30-35); a second processing chamber having a second chamber input port operatively connected to the first chamber gas output port, a second chamber gas output port, a second chamber waste collection surface, and a chamber cooler to cool the second processing chamber; and a plurality of hollow connectors operatively connected to the ports of the second processing chamber (Figures and columns 3-7).

With respect to claims 12-15, the manner of operating the device does not differentiate the apparatus claims from the prior art (MPEP 2114). In addition, matter or art worked upon also does not limit the apparatus (MPEP 2115).

Varrin, Jr. et al. does not teach that the hollow connectors are transparent; and the input/output port of the cold processing chamber is transparent. Waller et al. teaches using transparent parts so that the flow of the material can be seen (column 3,

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lines 56-60). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the transparency of Waller et al. with the hollow connectors/input port of Varrin, Jr. et al. so that the material flowing out of the cold processing chamber can be viewed (column 3, lines 56-60).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varrin, Jr. et al. (5,015,503) and Waller et al. (4,973,002) as applied to claim 1 above, and further in view of Sikander et al. (4,468,011). Varrin, Jr et al. and Waller et al. teaches all of the limitations of the claims except the cold processing chamber comprises a drain port to collect the waste material; the connector is operatively connected to the drain port of the cold processing chamber; and the drain section of the cold processing chamber is transparent.

Sikander et al. teaches the cold processing chamber comprises a drain port to collect the waste material (Figure 1; abstract and column 5, lines 25-29); the connector is operatively connected to the drain port of the cold processing chamber (Figure 1; abstract and column 5, lines 25-29). Sikander et al. does not teach that the drain section of the cold processing chamber is transparent, however, it would have been obvious to one of ordinary skill in the art to have a transparent drain section, so the flow of the material through the drain section can be viewed. This is the same motivation as used above in the Varrin, Jr. et al. in view of Waller et al. rejection.

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***Allowable Subject Matter***

Claims 16-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art of record that is cited as of interest is presented on the form-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is (571) 272-1183. The examiner can normally be reached on Monday-Thursday (7:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on Monday-Friday at (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kiley Stoner AU 1725  
JMS 3/2/04